

AMENDED IN ASSEMBLY APRIL 22, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 604

Introduced by Assembly Member Fuller

February 25, 2009

An act to amend Section 52851 of, and to add Section 52857 to, the Food and Agricultural Code, relating to cotton, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 604, as amended, Fuller. Cotton: San Joaquin Valley Quality Cotton District.

Existing law establishes the San Joaquin Valley Quality Cotton District for the purposes of promoting, encouraging, aiding, and protecting the planting and growing of cotton in California. Existing law establishes the San Joaquin Valley Cotton Board, composed as specified, and establishes that the duties and powers of the board include, but are not limited to, establishing quality standards, reviewing test data and approving for release and planting cotton varieties, as specified, and making recommendations to the Secretary of Food and Agriculture on all matters pertaining to the district. Existing law provides funding for the board and enforcement of these provisions through assessments and requires that all moneys received pursuant to these provisions, which are deposited in the Food and Agriculture Fund, be used exclusively for purposes of the district.

This bill would make these provisions and related regulations inoperative except for those establishing the board and other specified provisions. The bill would authorize the board, with the concurrence of the Secretary of Food and Agriculture, to periodically determine that

provisions made inoperative by this bill become operative for a specified period of time. The bill would authorize the board to make refunds or transfers of moneys deposited in the Food and Agriculture Fund, as specified. Because the bill would authorize the use of these funds for a new purpose, the bill would make an appropriation. *The bill would require the board to provide an annual report to the Legislature specifying the actions taken pursuant to those provisions, and would require the board to notify known eligible growers and industry members of any action proposed to be taken pursuant to those provisions prior to taking that action, which could be taken only at a properly noticed public hearing of the board.*

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 52851 of the Food and Agricultural Code
2 is amended to read:
3 52851. Subject to Section 52857, the Legislature hereby
4 declares that the purposes of this chapter are to promote, encourage,
5 aid, and protect the planting and growing of cotton in the State of
6 California; that it believes that these purposes can best be
7 accomplished by restricting within certain areas the planting and
8 growing of but two types of cotton, which are Acala and Pima;
9 that, by this means, it is possible to bring the cotton-growing
10 industry in the state to its highest possible development and to
11 ensure the growing of the most superior varieties of cotton; that
12 the planting of pure seed is essential to the production of more
13 marketable and better grades of cotton and cottonseeds, and for
14 the production of grades of fiber best suited for manufacturing
15 purposes; and that the planting of impure seeds or plants, other
16 than those authorized in these areas, is an economic harm and loss
17 to the planter thereof and an irreparable injury to the adjoining or
18 neighboring growers.
19 SEC. 2. Section 52857 is added to the Food and Agricultural
20 Code, to read:
21 52857. (a) Effective January 1, 2010, all provisions of this
22 chapter and related regulations, except Sections 52855, 52871,
23 52942, and 52945, shall be inoperative except as otherwise
24 provided in this section.

1 (b) The board, with the concurrence of the secretary, may
2 periodically determine that specific sections of this chapter and
3 related regulations shall become operative for a specified period
4 of time.

5 (c) Notwithstanding any other provision in this chapter, the
6 board, with the concurrence of the secretary, may determine
7 whether funds collected pursuant to this chapter and deposited in
8 the Food and Agriculture Fund shall be refunded in whole or in
9 part to eligible persons or transferred to persons or organizations
10 subject to this chapter. The board, with the concurrence of the
11 secretary, is authorized to make a refund or transfer pursuant to
12 this subdivision.

13 (d) *The board shall provide an annual report to the Legislature*
14 *specifying the actions taken pursuant to subdivisions (b) and (c).*

15 (e) *The board shall notify all eligible growers and industry*
16 *members known to the board of any action proposed to be taken*
17 *pursuant to subdivision (b) or (c) prior to taking that action, and*
18 *the action shall be taken only at a properly noticed public hearing*
19 *of the board.*